

1 XAVIER BECERRA
2 Attorney General of California
3 CHERYL FEINER
4 MICHAEL NEWMAN
5 Senior Assistant Attorneys General
6 CHRISTINE CHUANG
7 Supervising Deputy Attorney General
8 JULIA HARUMI MASS
9 JASLEEN SINGH
10 SHUBHRA SHIVPURI
11 JOSHUA SONDHEIMER
12 LEE I. SHERMAN (SBN 272271)
13 Deputy Attorneys General
14 300 S. Spring St., Suite 1702
15 Los Angeles, CA 90013
16 Telephone: (213) 269-6404
17 Fax: (213) 897-7605
18 E-mail: Lee.Sherman@doj.ca.gov
19 *Attorneys for Plaintiffs Eloy Ortiz Oakley and Board of
20 Governors of the California Community Colleges*

11
12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16
17 **ELOY ORTIZ OAKLEY, in his official
18 capacity as Chancellor of California
Community Colleges et al.,**

19 Plaintiffs,

20 v.

21 **BETSY DEVOS, in her official capacity as
22 the United States Secretary of Education;
U.S. DEPARTMENT OF EDUCATION,**

23 Defendants.

24 Case No. 20-cv-03215-YGR

25 **PLAINTIFFS' RESPONSE TO
26 DEFENDANTS' NOTICE OF FEDERAL
27 REGISTER NOTICE**

28 To provide the Court with the complete record, Plaintiffs are submitting all of the
documents that were included as supporting and related material in the rulemaking docket for the
Federal Register Notice Defendants filed with the Court this morning, ECF No. 35, which counsel

1 for Plaintiffs downloaded at 10:31 a.m. from <https://beta.regulations.gov/docket/ED-2020-SCC-0088/document>. Within those documents, the DoE states:

3 While the CARES Act does not provide a definition of the term “student,” we
4 have concluded that Congress intended the term “student” in the context of
“grants to students” in section 18004 of the CARES Act to be limited to those
5 individuals who are or could be eligible for title IV assistance. By applying this
definition, IHEs will be required to establish or modify processes to ensure
student eligibility for the funds allotted to them under the CARES Act.
6 Additionally, there will be burden to students who wish to apply for the funds
being made available, if the [sic] have not already established title IV eligibility.
7

8 Attachment 1. For the Court’s convenience, Plaintiffs have highlighted certain portions of the
9 attached rulemaking arguments that bear on the motion set for hearing at 2:00 pm this afternoon.

10
11 Dated: June 9, 2020

Respectfully Submitted,

12 XAVIER BECERRA
13 Attorney General of California
14 CHERYL FEINER
15 MICHAEL NEWMAN
16 Senior Assistant Attorneys General
17 CHRISTINE CHUANG
18 Supervising Deputy Attorney General
19 JULIA HARUMI MASS
20 JASLEEN SINGH
21 SHUBHRA SHIVPURI
22 JOSHUA SONDHEIMER

/s/ Lee I. Sherman

23 LEE I. SHERMAN
24 Deputy Attorneys General
25 *Attorneys for Plaintiffs Eloy Ortiz Oakley*
26 *and Board of Governors of the California*
27 *Community Colleges*